

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
November 1, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, November 1, 2010, at 10:00 a.m. **COMMISSIONERS P.W. SCHULTE, RON AVERILL and F. LEE GROSE** were in attendance. **Chairman Schulte** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Grose** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, October 25, 2010. **Commissioner Averill** seconded the motion.

Motion carried 3-0

NOTICE

Commissioner Averill made a motion to approve Notice Agenda items one and two. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

1. Call for Bids: For the Rosebrook Road Slide Repair. Bids will be opened on or after 10:00 am, on November 29, 2010. Resolution No. 10-270

Tim Elsea, Public Works, stated this project is listed as number 23 on Lewis County's 2010 amended Six Year Transportation Improvement Program (STIP). The contract will provide for the improvement of 0.26 miles of Rosebrook Road in Lewis County by constructing soldier pile walls, underdrain, ditches, removing guardrail, road restoration, placing guardrail, and other work. This project is funded by Lewis County.

Commissioner Grose stated we had a meeting about one year ago regarding this road. At that time, the comment from Public Works was that they wanted to close the road and put cul-de-sacs on both ends. He is happy to see that we have elected to submit to the wishes of the constituents and are planning on repairing that road instead of putting in cul-de-sacs.

Commissioner Averill stated this is a call for bids, sealed bids are due to the Clerk of the Board of County Commissioners by 9:30 am, on November 29, 2010. The bids will be opened at the Board's meeting on that day on or after 10:00 am.

Commissioner Grose mentioned this is by far not the least expensive solution; the cul-de-sacs would have been much cheaper than repairing this road.

2. Notice of Hearing: Regarding the Six Year Transportation Program and Annual Construction Program. Hearing will be held on or after 10:00 am, on November 15, 2010. Resolution No. 10-271

Tim Elsea, Public Works, stated pursuant to RCW 36.81.121, all Cities and Counties are required to prepare, adopt and submit a Six Year Transportation Improvement Program (STIP). Copies of this program are to be furnished to WSDOT, CRAB, and the Transportation Improvement Board. The requirements for the Annual Construction Program are contained in WAC 136.16. This part of the WAC is intended to provide for an evaluation of compliance with the County Forces construction limits outlined in RCW 36.77.065. A hearing for the STIP must be held prior to the adoption. The public hearing will be held November 15, 2010 on or after 10:00 am. The notice of hearing will be published in The Chronicle and The East County Journal, November 3 and 10, 2010 and will also be posted on the County Website. Additionally, Lewis County staff presented the proposed 2011 - 2016 STIP at the monthly Mayors meeting with the Board of County Commissioners on October 1, 2010, the Planning Commission meeting on October 12, 2010, and the Lewis County Transportation Strategy Council meeting on October 18, 2010.

Commissioner Averill stated we try to get this program out to as many people as we possibly can and it has been briefed before three of our advisory bodies, and fellow elected officials. We do encourage people to look through this plan and during the hearing if anybody would like to ask questions or to provide testimony it would be greatly appreciated to do so at that time.

Commissioner Grose stated when he took office four years ago; he did not know what a STIP was. It is important that people know, if there are any major road projects in the County that they would like us to look at and work on, it is important to talk to us about it ahead of time. This is a six year plan and to get a project on this list we need to be aware of it. We do not travel every road every day, so if road projects need done, we don't always know about them unless someone tells us.

Motion carried 3-0

CONSENT

Commissioner Grose made a motion to approve Consent Agenda items three through nine. **Commissioner Averill** seconded the motion. Candace Hallom read the items into the record.

3. Resolution No. 10-272 Approval of warrants for payment.

Commissioner Averill stated this resolution approves 227 warrants issued by the Auditor's Office for a total of \$652,544.89.

4. Resolution No. 10-273 Rescinding Resolutions 87-174 and 78-377 regarding LC Commissioners Revolving Fund.

Commissioner Averill stated this resolution rescinds Resolution No. 78-377 and Resolution No. 87-174 and disestablishes the Lewis County Commissioners Revolving Fund. This is primarily because we have done some reorganization within the Commissioners' Office and transfer of duties resulted in no need to continue a Revolving Fund in the Commissioners' Office.

5. Resolution No. 10-274 Amending Resolution No. 97-200 Petty Cash Fund for the LC Commissioners Office.

Commissioner Averill stated this amends Resolution No. 97-200 which established a Petty Cash Fund for the Lewis County Commissioners' Office to increase the amount maintained on hand from \$10.00 to \$100.00. The fund will be maintained by the Clerk of the Board for the purpose of making small change for individuals purchasing office supplies and miscellaneous office needs. Principally, we have the Board of Equalization, Boundary Review Board, and a few other activities that are run out of the Commissioner's Office, people come in and ask for copies and we need to be able to make change when given cash for the documents.

6. Resolution No. 10-275 Appointing a Commissioner to the Mineral Cemetery District #10.

Commissioner Averill stated this resolution appoints Michael Gordon (141 Mineral Rd, Mineral) to the Mineral Cemetery District Board # 10. The position has been vacant for several years and the members of the Board have been unable to agree on a replacement. Mr. Gordon has indicated a willingness to serve on the Board. Under such conditions, the Lewis County Board of County Commissioners have both the obligation and authority to fill the vacant positions.

7. Resolution No. 10-276 Appointing members to the WRIA 25/26 Planning Unit.

Commissioner Averill stated this resolution confirms the concurrence of the Lewis County Board of County Commissioners in the appointment of the following individuals to the Water Resource Inventory Area (WRIA) 25/26 Planning Unit;

- a) Sherry Brown, Randle
- b) Arne Mortensen, Kelso
- c) Trent McGhee, Kelso

The requirement for the appointments to cross county boards and commissions usually requires the consent of all the Counties involved. This is why we are providing the names of two people from Kelso who are in Cowlitz County and not in Lewis County.

Commissioner Grose stated this came about because of the Planning Unit 25/26 meeting in Morton where people didn't feel they had been informed. It was agreed to at the Planning Unit meeting that we would expand the size of the Planning Unit to include more of the general public. All three of these people have expressed willingness, have participated in the Planning Unit meetings since the meeting in Morton, and have been very active in trying to reach some resolutions to some of the issues.

8. Resolution No. 10-277 Approving an inter-local agreement with the City of Chehalis regarding provisions for fire marshal services.

Robert Johnson, Community Development, stated the Lewis County Fire Marshall, Fred Chapman, is tasked with investigating fires and has for many years contracted that out for to the City of Chehalis. The City of Chehalis has the staff, expertise, and time to do fire investigations on behalf of Lewis County. The last time this agreement was done was in 2006 and that contract is up at the end of this year. This resolution is to approve an interlocal agreement between Lewis County and the City of Chehalis for provision of those fire investigation services through the Fire Marshalls Office. The agreement is for an amount not to exceed \$25,000.00. Typically, a fire investigation by budget runs in the area of \$20,000.00 to \$25,000.00 depending on how many and the nature of the fire investigations. The agreement has an option for two additional year extensions by mutual agreement.

9. Resolution No. 10-278 Awarding contract for the HMA Slope Mitigation Project-Pleasant Valley Road Mitigation.

Tim Elsea, Public Works, state this award will allow Public Works to enter into a contract with the lowest responsible bidder for the Hot Mix Asphalt (HMA) Slope Mitigation Project-Pleasant Valley Road Mitigation County Project No. SM07F3090. This project is FEMA project No. PW 996. The contract will provide for the improvement of shoulder mitigation on Pleasant Valley Road by paving shoulder slopes with HMA and other work. This project is funded through the FEMA Public Assistance Program. The contract price of \$40,800.00 was provided by the lowest responsive bidder, Lakeside Industries, Inc. of Centralia, Washington. The Federal participation for this project is anticipated for the construction phase at 75%, therefore the State and Lewis County are responsible for the remaining 25% equally. This was a small works roster call and Lakeside was the only responsible bidder. They came in just a few hundred dollars higher than our engineer's estimate of \$39,000.00. Because the bid was over \$40,000.00 we had to bring it to the Board of County Commissioners for approval.

Motion carried 3-0

HEARING

**Hearing: Non-Exclusive Franchise to PUD No. 1 of Thurston County.
Resolution 10-279**

Chairman Schulte announced the hearing and asked for a staff report.

Larry Unzelman, Public Works, stated Public Utility District (PUD) No. 1 of Thurston County has requested a non-exclusive franchise for the construction, operation, and maintenance of their water system facilities on, under, and across various Lewis County roads. Thurston County PUD owns and operates numerous small water systems within Lewis County, seven of those water systems have piping that is partially located within the County road rights of way. This non-exclusive franchise will authorize the continued maintenance and operation of the water systems within the rights of way for five years. The roads covered by this franchise are; Jackson Highway in Section 4, Township 12 North, Range 1 West, Walsh Lane in Section 27, Township 14 North, Range 3 West, Chehalis Valley Drive in Section 3, Township 13 North, Range 2 West, Valley Meadows Drive & Valley Meadows Loop in Sections 19 and 30, Township 13 North, Range 1 West, Romerman Road in Section 28, Township 13 North, Range 2 West, Big Hanaford Road in Section 28, Township 15 North, Range 2 West, Jack Fir Ct W, Jack Fir Ct E, Hemlock Ln, Alderwood Drive, Cottonwood Land, and Cannon Rd in Section 1 & 2, Township 13 North, Range 9 East. This non-exclusive franchise is being granted pursuant to and in conformance with RCW 36.55 and Lewis County Code 12.25 through 12.50. Resolution 10-248 which was passed by this Board on October 4, 2010 set this day November 1, 2010 as the date for hearing on the matter. RCW 36.55 requires that no hearing be held on a proposed franchise grant until five days after the last publication date, and fifteen days after posting of the notice thereof in three public places. Publication must be twice in the official newspaper for publication in the County. Publication occurred on October 6 and 13, 2010 and the franchise was posted in three public places. The Franchisee has reviewed and agreed to the franchise. It is the recommendation of the Public Works Department that this franchise for water system facilities on various Lewis County road rights of way be granted to PUD No. 1 of Thurston County. If approved the district has 30 days to pay the publication cost and provide proof of insurance as specified in the franchise document.

Commissioner Averill asked Larry to explain why Thurston County is operating water systems in Lewis County.

Larry Unzelman replied Thurston County acquired several small water systems in Lewis County over the past few years. Their structure allows them to operate utilities outside of Thurston County.

Commissioner Averill stated Public Utility Districts can handle water and sewer. The Lewis County PUD has specifically chosen not to handle water systems in the County. The Thurston County PUD entered into agreements with a number of smaller water systems to provide services. This franchise is for five years and is a non-exclusive franchise. This provides the ability to get the service from the well to the homes where they have to use road rights of way in order to provide that service.

Commissioner Grose stated this is renewing an agreement that we have had in the past with PUD No. 1 of Thurston County allowing them to go in and work on their water lines within the rights of way.

Commissioner Averill stated it has been a decision of this Board to keep franchise agreements to five years. When Commissioner Grose and he first came aboard they found some franchises were for twenty years and nobody new about them. It was determined, if we put these at five year franchises, someone will be around that will know what happened.

Chairman Schulte asked if there were any more questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Larry Unzelman asked that his previous comments be adopted into the record.

Commissioner Averill stated there have been concerns but the PUD has worked with the Board to resolve all of them. When you have another County that is running water systems in your County, the first thing you think about is water rights, and the possibility of water rights being taken out of the County. We have the assurance from the PUD that they have no intention of doing that. The PUD outside of Thurston and Lewis Counties also provides water service to Mason and Grays Harbor Counties. They have been very cooperative with us in addressing all of our concerns and we have been satisfied by the answers given to us.

Chairman Schulte asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion to approve Resolution No. 10-279.

Commissioner Averill made a motion to approve Resolution 10-279. **Commissioner Grose** seconded the motion. Candace Hallom, read the item into the record.

Resolution No. 10-279 In the Matter of a nonexclusive franchise to Public Utility District No. 1 of Thurston County to construct, operate, and maintain water system in Lewis County Rights-of-way; and setting forth conditions accompanying a grant of a nonexclusive Franchise; and providing for County administration and regulation of the nonexclusive Franchise.

Motion Carried: 3-0

Hearing: Ordinance 1216-amending Lewis County Code 17.140 Open Space Land Classifications.

Chairman Schulte announced the hearing and asked for a staff report.

Robert Johnson, Community Development, stated the purpose of this hearing is concerning the adoption of Ordinance 1216 which will amend Lewis County Code 17.140 with respect to the Open Space Classification Program and the Public Benefits Rating System (PBRs). Following a State Audit, it was determined that Lewis County Code 17.140 did not meet requirements of RCW 84.34 with respect to the number of limitations that are placed on Open Space designation. The County Code limited the Open Space Farm and Agriculture Conservation Land to a ten year period but under State Law there is no restriction that can be placed on this. Initially, the purpose of amending Lewis County Code 17.140 was to bring it in compliance with the requirements of State Law and the audit finding, subsequent to that, a decision was made to make a few other housekeeping changes to the Ordinance to clarify and bring the process more up to date with what the County does with respect to Open Space applications. There are some minor text changes that remove some of the technical requirements that are no longer necessary. There are changes with respect to the procedure for processing the applications and there are specific language changes that remove the restrictive language with respect to the limitation of the time limits and further clarify that process. There is some language that clarifies how land in the designations must be maintained so they are available for future commercial farming. In the draft version of the proposed changes there are a couple of typos that will be cleaned up and changed in the final version.

Susan Johnson, Assessors Office, stated the State Audit was conducted in early 2009, it is due to the lengthy process of getting the Ordinances to this point that has taken us this long. One of the reasons we cleaned up the copies and made some changes in the process is the Open Space Land Program is administer by the PBRs committee. The individuals that participate in that group are great people but none of them have degrees in ecology and the form used previously lent itself more toward that kind of thing. The public and the PBRs did not understand the form so the cleanup was for the purpose of making it more usable.

Commissioner Averill asked Susan to explain PBRs, what it is and of whom it consists.

Susan Johnson stated the PBRs is the Public Benefits Rating System Committee. In 1970 the Washington State Legislature passed a law called the Open Space Taxation Act, there are three programs under that law; the first is Open Space Land which is land preserved in its natural state, the second is Timber Land, and the third is Farm and Agriculture Land that is being used for commercial purposes. The changes being suggested with this Ordinance touch only the preservation category and has no effect on the Open Space Timber or the Open Space Farm and Agricultural Land. Under the Lewis County Code 17.140 it sets up a system by which a group of individuals in Lewis County can evaluate the applications for this program. The committee is made up of one representative from the farm committee, one from planning, one County Commissioner, one citizen, and one representative from the Lewis County Assessor's Office. Those individuals are charged with the responsibility of sitting down and looking through the applications and deciding if there is enough benefit to the public to give a tax break to the particular piece of ground. The application is evaluated and needs to have at least three points under one conservation preservation category for it to qualify. As a subsection under that

preservation there are provisions made for non-commercially farmed land in order to preserve that land for commercial farming in the future.

Commissioner Schulte stated this primarily removes restrictions and does not add any additional restrictions to what people can do with their land.

Susan Johnson stated that is correct.

Commissioner Averill stated when this initially came out people thought we were changing the program and were trying to take people out of Open Space designation for certain types of activities such as timber or agriculture. That is not the case, there is a general confusion between land designation and taxation principles under the Department of Revenue that are included in the Assessors assessments of property. There are many pieces of property classified as agricultural that are not Agricultural Resource Lands they are just Rural Development District Lands. There are two separate things that we are talking about; Growth Management on one side designates the land use and in this case when talking about Open Space Programs we are talking about taxing programs. The changes being made to Lewis County Code 17.140 does not change the program itself.

Robert Johnson stated these changes were subject to a workshop and public hearing before the Planning Commission. The proposed changes based on the review audit and the proposed changes and revisions suggested by the Assessor are to eliminate the restrictions and improve the program itself. The Chairman of the Planning Commission forwarded a transmittal to the Board of County Commissioners with findings, following a public hearing. Notice of this hearing was published in the paper on October 13, 2010.

Chairman Schulte asked if there were any questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Susan Johnson asked that her previous comments be adopted into the record.

Robert Johnson asked that his previous comments be adopted into the record.

Don Wells, Toledo, stated he has been associated with farm properties in Lewis County since 1966. He opposed the adoption of this Ordinance because of the effect on the economic stability and the trust of the local land owners. This Ordinance changes the contract with the property owners making panels and commissions of unelected individuals, who at times have hidden agendas.

Chairman Schulte asked if there are any other statements for public testimony. There were none. He closed the hearing and asked for a motion to approve Ordinance 1216.

Commissioner Averill made a motion to approve Ordinance 1216. **Commissioner Grose** seconded the motion. Candace Hallom, read the item into the record.

Ordinance 1216: An Ordinance of the County of Lewis Amending Lewis County Code Chapter 17.140 Open Space.

Commissioner Averill stated the changes being proposed in this Ordinance in no way create new committees and in no way have any changes to the existing Ordinances and Lewis County Code on either the Growth Management Act or on the Open Space Program. It is purely a correction to the record which provides that a person who voluntarily request to be put into a conservation program for agricultural land can get into the program and has no time limit on it which previously was a ten year time limit. We are not doing anything to restrict or take away the rights of any citizen's land in this County by virtue of these changes being made in this particular Ordinance.

Commissioner Grose agreed and stated the changes to this Ordinance give the property owner more protection than was previously governed. This is a change in the existing Ordinance which allows more flexibility to the property owner to stay in the program.

Motion Carried 3-0

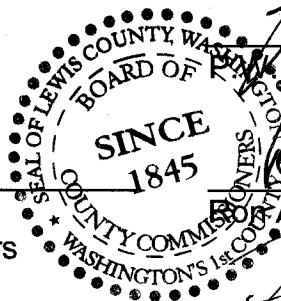
There being no further business, the Commissioners' public meeting adjourned at 10:50 a.m. on November 1, 2010. The next public meeting will be held Monday, November 8, 2010, at 10:00 a.m.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

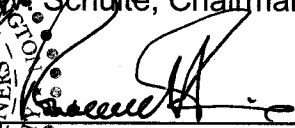
BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

ATTEST:


Clerk of the Board
Lewis County Commissioners




Mark Schulte, Chairman


Bob Averill, Commissioner


F. Lee Grose, Commissioner